



1 DAVID R. ZARO (BAR NO. 124334)  
ANDREW E. MILLER (BAR NO. 213504)  
2 ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
3 515 South Figueroa Street, Ninth Floor  
Los Angeles, California 90071-3309  
4 Phone: (213) 622-5555  
Fax: (213) 620-8816  
5 E-Mail: dzaro@allenmatkins.com  
amiller@allenmatkins.com

6 Attorneys for Defendants  
7 Mortgage Electronic Registration Systems, Inc.;  
OneWest Bank, FSB; and Deutsche Bank National  
8 Trust Company

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 DARRELL MCDONALD; FLORA  
13 MCDONALD,  
14 Plaintiffs,  
15 vs.  
16 RESIDENTIAL MORTGAGE  
CAPITAL; NDEX WEST, L.L.C.;  
17 MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.  
18 (MERS), a Delaware Corporation;  
FEDERAL DEPOSIT INSURANCE  
19 CORPORATION AS CONSERVATOR  
FOR INDYMAC FEDERAL BANK,  
20 F.S.B., a government agency;  
ONEWEST BANK; DEUTSCHE  
21 BANK NATIONAL TRUST  
COMPANY and DOES 1 THROUGH  
22 10,  
23 Defendants.

Case No. 09-CV-1365 MMC

**STIPULATION AND ~~Proposed~~  
ORDER TO STAY TRUSTEE'S SALE  
UNTIL DECEMBER 1, 2009**

24  
25 Pro se plaintiffs ("Plaintiffs") and counsel for defendants Mortgage Electronic  
26 Registration Systems, Inc.; OneWest Bank, FSB; and Deutsche Bank National Trust  
27 Company ("Defendants") in the above action hereby stipulate, and respectfully  
28 request an Order from the Court, as follows:

1 WHEREAS the parties previously agreed in open court to stay the Trustee's  
2 Sale of the property at issue in this action until no early than September 11, 2009, as  
3 reflected in the Court's May 14, 2009 Order staying that sale.

4 WHEREAS Plaintiffs and defendant OneWest Bank, FSB, entered into a  
5 forbearance agreement effective through December 31, 2009, and since have also  
6 agreed to a loan modification that will result in a dismissal of this action against  
7 Defendants.

8 WHEREAS Plaintiffs and Defendants need additional time past  
9 September 11, 2009, to complete the documentation relating to this loan  
10 modification and settlement.

11 WHEREAS Defendants have agreed to extend the current stay on Trustee's  
12 Sale through December 31, 2009, so that documentation of the above loan  
13 modification and settlement can be completed without Plaintiffs having to worry  
14 about their house being sold through foreclosure.

15  
16 IT IS SO STIPULATED that:

17 The current stay on any Trustee's Sale of Plaintiffs' residence at issue in this  
18 action is continued through 3 December 31, 2009.

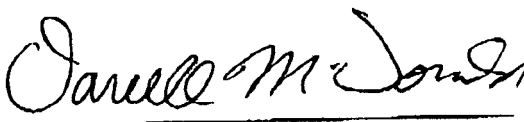
19  
20 Dated: September 9, 2009

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

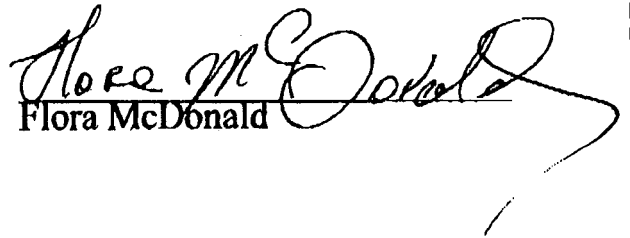
21  
22 By: 

23 Andrew E. Miller  
24 Attorneys for Defendants  
25 Mortgage Electronic Registration  
26 Systems, Inc.; OneWest Bank, FSB;  
27 and Deutsche Bank National Trust  
28 Company

26  
27  
28 Dated: September 9, 2009

  
Darrell McDonald

1 Dated: September 9, 2009

  
Flora McDonald

2  
3 IT IS SO ORDERED that:

4 Defendants are stayed from conducting any Trustee's Sale, or other  
5 foreclosure-related sale, of Plaintiffs' residence, located at 1269 Parkwood Drive,  
6 Novato, CA 94947 (APN No. 152-142-19), through December 31, 2009.  
7

8 Dated: September 11, 2009

  
United States District Judge